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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,255	11/20/2001	Ming-Hung Lin	TW 000008	9593

24737 7590 01/12/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

FOX, BRYAN J

ART UNIT PAPER NUMBER

2686

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/989,255

Applicant(s)

LIN, MING-HUNG

Examiner

Bryan J. Fox

Art Unit

2686

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-9, 12-16, 18 and 19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attached.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO/4446) Paper No(s). _____

13. ☐ Other: _____.

MARSHA D. DAVIS-WAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2300

Bryan Fox

DETAILED ACTION

This Supplementary Office Action will replace the previous Office Action.

Response to Arguments

Applicant's arguments filed October 24, 2005 have been fully considered but they are not persuasive.

The applicant argues that the combination of Tryding and Makipaa et al fails to teach establishing a primary communication session via a transcoding proxy with a content server. The examiner respectfully disagrees. Tryding discloses an apparatus where a base transceiver station 25 will transmit a variety of data and messages to the mobile telephone 10 through a downlink 30 (see column 2, lines 31-34 and figure 1). The apparatus also generates a communications link 5 between a mobile telephone 10 and a display monitor 15 to enable the display of mobile telephone data on the display screen 20 of the display monitor 15 (see column 2, lines 26-31 and figure 1). Tryding fails to teach the use of a transcoding proxy. Makipaa et al is relied upon to disclose the transcoding proxy. Makipaa et al discloses a system where a user terminal 30 communicates to the content server 20 which is responsible for delivering data information to the user terminal 30 from a content provider 10. This content server includes a pagination engine 90 (see figure 2), which reads on the claimed "transcoding proxy" that converts the digital data to the proper format for each user terminal 30 (see column 6, lines 45-51). It is the combination of Tryding and Makipaa et al that disclose "establishing a primary communication session via a transcoding proxy with a content server."

The applicant argues that the combination of Tryding, Makipaa and Erikson fails to teach wherein the auxiliary communication means are arranged for receiving an assistance message from the auxiliary rendering device. The examiner respectfully disagrees. Erikson discloses a system where the characteristics and capabilities of devices are identified in response messages (see column 10, lines 48-49). Erikson further discloses that the characteristics and capabilities of various types of devices are stored in a database or lookup table and the user selects one of the remote devices by touching a stylus to the screen of the display device (see column 10, line 47 – column 11, line 4). The response messages read on the claimed assistance message.

The applicant makes similar arguments for the remaining claims, however, for the same reasons outlined above, the examiner respectfully disagrees.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2686

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryan Fox
December 14, 2005